

MEETING MINUTES CITY OF MILPITAS

Minutes of: Joint Meeting of Milpitas City Council and the
Public Financing Authority
Date: Tuesday, April 3, 2018
Time: 5:30 PM Closed Session
7:00 PM Open Session
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

CALL TO ORDER

Mayor Tran called the joint meeting to order at 5:30 PM. City Clerk Mary Lavelle called the roll.

PRESENT: Mayor Tran, Vice Mayor Grilli and Councilmember Nuñez

ABSENT: Councilmember Barbadillo. Councilmember Phan was absent at roll call and arrived in Closed Session at 5:46 PM.

CLOSED SESSION

City Council convened in Closed Session to discuss litigation matters, as listed on the agenda.

City Council then convened in Open Session at 7:00 PM with all members present.

ANNOUNCEMENT

City Attorney Chris Diaz stated there was no reportable action out of Closed Session.

PLEDGE

Boy Scouts Troops No. 92 and No. 170 presented flags and led the pledge of allegiance.

INVOCATION

Mayor Tran led a prayer to start the meeting.

PRESENTATIONS

Mayor Tran presented the following:

- Along with Councilmember Phan, proclaimed April 2018 as Vietnamese-American Heritage Month, and it was accepted by members of Vivo.
- Honored Economic Development Director Edesa Bitbadal as a recipient of Silicon Valley Business Journal Influential Women of Honor award.
- Recognized two Milpitas High Students - Maria Garcia and Ixzell Jungmann - for outstanding project "Teens Playhouse Attraction" showcase at MHS Academy of Travel & Tourism event.

PUBLIC FORUM

Rob Means, 1421 Yellowstone Ave. resident, talked about ride share services and use of less transit. He also said Syria signed on to the World Climate Agreement but not the U.S.

Robert Marini, Milpitas resident, had questions for the Public Works Director. He wrote an email with questions but had not heard back yet, after about one month. He wanted to know about cost for HCF water from the SFPUC provider.

Voltaire Montemayor, Milpitas resident, said Milpitas was the place to show what you've got, and was a place of pride. He referenced GPAC and Management Partners.

Tom Valore, Milpitas resident, spoke of the prior Thursday's workshop on the General Plan update. He wanted to understand the hierarchy of the various City plans (TASP, Strategic Plan, General Plan, etc.).

Frank DeSmidt, Milpitas Rotary Club, invited all to the upcoming April 7 Knights of Columbus 44th Awards Dinner at Pavalkis Hall to honor the Police Office, Fire Fighter and Citizen of the Year. Also he invited all to the Milpitas Rotary Club's 3rd annual Fundraising Dinner at Ta

Restaurant on Friday, April 13 at 6:00 PM. Tickets were available for \$75 from Hon Lien. Finally, he noted a public Town Hall meeting on Wednesday, April 11 from 6–8 PM at the Community Center, sponsored by The Milpitas Post and Mercury News.

ANNOUNCEMENTS

City Manager Julie Edmonds-Mares announced that the City’s new Fire Engine was completed (built) and was on its way to Sacramento and would soon be delivered to Milpitas. She displayed a photo of the red vehicle.

Councilmember Phan said he would have gun policy recommendations at upcoming meetings. He’d previously requested a report on gun statistics and had received that, so he thanked the Police Chief.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. None were reported.

APPROVAL OF AGENDA

Motion: to approve the meeting agenda, as amended

The City Manager said staff requested to remove agenda item no. 6 (Resolution related to property added into CFD 2005).

Motion/Second: Councilmember Nuñez/Councilmember Phan

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Barbadillo)

CONSENT CALENDAR

Mayor Tran asked to place these items on the consent calendar (as they were listed in advance on the agenda): 1, 2, 4, 5, 7, 9 and 10.

He wanted to hear items No. 3, 8 and 11.

Motion: to approve Consent Calendar, including agenda items numbered 1, 2, 4, 5, 7, 9 and 10.

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

Motion carried by a vote of: AYES:
NOES: 0
ABSENT: 1 (Barbadillo)

* 1. Council Calendar Accepted City Council calendar for April 2018.

* 2. Meeting Minutes Approved City Council meeting minutes of March 20 and 21, 2018.

3. Fee Waiver request – Bark for Life City Clerk Mary Lavelle presented the request to waive identified City fees for the American Cancer Society’s first “Bark for Life” event at Murphy Park on Saturday, April 28, 2018. The group asked for fees up to \$1500 to be waived, per the Council adopted “Donation and Fee Waiver Policy.” This local event was in response to the former Relay for Life overnight event, which the Cancer Society no longer planned to offer in Milpitas, after 19 years.

Next, Mayor Tran invited speakers to the podium.

Tam Overacker, resident and member of the team organizing the event, provided some information about the event. She responded to earlier question if the Bark event would be annual, which it might be depending on success this year. The group was reaching out to many local businesses and organizations for support of the event.

Councilmember Phan said he was happy to support the event and wanted to volunteer Councilmember Nuñez for the dunk tank.

Gail Erwin, 20-year Milpitas resident and cancer survivor, felt a lot of community love the first time she attended the ACS Relay for Life event in Milpitas. Fundraising was the first purpose, and the committee was trying to get the ratio up, of money to those in need from the donors.

At this point, a motion was offered in support of the fee waiver requested.

Motion: to waive \$1,500 in fees for costs related to the American Cancer Society's Bark for Life walkathon event at Murphy Park on April 28, 2018, specifically:

Planning Department Special Event Permit fee:	\$250.00
Recreation Services – park rental fee:	\$360.00
Fire Department – safety site inspection fee (portion of):	\$890.00

Motion/Second: Councilmember Nuñez/Councilmember Phan

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Barbadillo)

A woman and her husband spoke about past involvement in Relay for Life, when they were new residents of Milpitas. She had done this event for the last 10 years, and looked forward to the new event this year along with her dog. A new tradition may start as a result for Milpitas.

Liz Ainsworth, resident and event Chair, spoke in favor of this exciting new event. At first, she was sad the Relay for Life was removed from Milpitas, but now there was a new effort. There were so many benefits resulting in ACS funds for research, and their services provided to cancer patients. Many local people were very engaged and involved in the Bark for Life planning.

Myda Lecours and Celeste Soto, spoke about how it touched everyone affected by cancer. It would be a fun spin on Relay for Life by hosting the new Bark for Life.

Yolanda Garcia, lived here for 45 years, was a volunteer at Relay for Life and would do so for the new Bark event this year.

Voltaire Montemayor, resident, felt this was a small amount requested. Dogs were friendly. Council had waived fees in the past for the International Barbecue (Chamber event).

At 8:08 PM, Council took a brief break and resumed at 8:13 PM.

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| *4. Resolution – Tarob Ct. into CFD 2008-1 | <ol style="list-style-type: none">1. Adopted Resolution No. 8758 certifying election results and adding Tract No. 10421 to Community Facilities District 2008-1 (Annexation No. 14); and2. Approved Final Map Tract No. 10421, including approval of street names and acceptance of all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and3. Approved and authorized the City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and Toll West Coast, LLC. |
| *5. Resolution – Centre Pointe into CFD 2008-1 | Adopted Resolution No. 8759 certifying election results and adding Parcel B to Community Facilities District 2008-1 (Annexation No. 15), SHAC Centre Pointe Apartments, LLC |
| 6. Resolution – property into CFD No. 2005-1 | This item was removed from the agenda and would be rescheduled. |
| *7. Resolution – Approve Flags at Cesar Chavez Plaza | Adopted Resolution No. 8760 directing staff to fly commemorative flags for City sponsored events, ceremonies, and commemorations for the remainder of the 2018 calendar year, in the Cesar Chavez Plaza, on these dates: |

MLK, Jr. Assassination Remembrance - April 4, 2018
 Vietnamese Heritage and Appreciation - April 30, 2018
 International Workers/Labor Day - May 1, 2018
 Public Safety Appreciation - May 9, 2018
 LGBTQ Pride Celebration - June 1–14 and June 16-30, 2018
 Juneteenth - Tuesday, June 15, 2018

**8. Resolution – Amend
 Classification Plan**

Human Resources Director Tina Murphy gave some background on the changes requested to the city’s Classification Plan, which would occur by Council adopting a resolution and approving changes to the budget. She described the need for the Housing Authority Administrator position, discussed changes in Building Department and the rationale for adding a Deputy City Manager (leading and evaluating all development-related departments).

Councilmember Phan asked about contract staff for Building & Safety. He wanted to understand how the city would contract for those positions, and whether it was competitive. The H.R. Director said the process would be similar to other departments that contracted out. He inquired as to the qualifications for the Chief Building Official.

Councilmember Nuñez sought more details on the new Housing Authority Administrator position. He wanted to understand the reporting relationship in the City’s organizational structure. Ms. Murphy said the new position would report to the Planning Director.

Vice Mayor Grilli asked about the contract staff for Building. Also, she was pleased with the City Manager’s recommendation on these staff needs for the City.

Councilmember Phan asked about a timeline. The City Manager knew there was a sense of urgency on Housing issues and the need for the Deputy City Manager position. Human Resources would post those positions this week, if approved by the City Council.

Motion: to adopt Resolution No. 8761 amending the City’s Classification Plan to reflect the addition of Deputy City Manager and Housing Authority Administrator, and removal of Permit Center Manager and Building & Safety Director; and approve budget appropriations for the City Manager’s Office and Planning & Neighborhood Services Department including authorized funding for Chief Building Official, Associate Civil Engineer and Public Works Inspector, offset by defunding Principal Planner (Housing)

Motion/Second: Vice Mayor Grilli/Councilmember Phan

Motion carried by a vote of: AYES: 4
 NOES: 0
 ABSENT: 1 (Barbadillo)

The Mayor invited speakers from the audience.

Robert Marini, resident, spoke of hiring contracted workers and that they know the builders. How would there be knowledge of no conflict of interest, he asked? City Attorney Diaz responded, stating that would be dealt with in the contract language.

Voltaire Montemayor, resident, wanted to speak in favor of the resolution and to make the city functional, the positions were justified, he said.

***9. Joint meeting: Council and
 Public Finance Authority – 2
 LAIF Resolutions**

Adopted Resolution No. 8762 of the Milpitas City Council and Resolution No. PFA22 Milpitas Public Financing Authority Board authorizing investment of monies in the Local Agency Investment Fund and updating officers’ information.

***10. Fee Reimbursement
 Agreement – 730-750 East
 Capitol Avenue**

Authorized the City Manager to execute a Fee Reimbursement Agreement with Anton Development related to its development of 730–750 East Capital Avenue in a final form as approved by the City Attorney.

11. Council Subcommittee on Commissions

Recreation Services Director Renee Lorentzen addressed the Council on the proposal offered by the City Council Subcommittee on Commissions. She described the recommended appointments and the suggested changes to the list of Commissions, names of Commissions and some combining and eliminating of current City Commissions.

Mayor Tran said on the proposed new Public Safety Commission, he wanted Spring Valley Fire Department have a representative on that new Commission.

Councilmember Phan spoke of trying to make government more efficient. The Subcommittee sought to strip away any sense of redundancy and he wanted to move forward with all of the Commissions and recommendations.

Councilmember Nuñez commented on the process so far, with help from staff Renee Lorentzen, the City Manager and City Clerk. Trying to streamline the process was their goal.

Vice Mayor Grilli commented that the community had changed dramatically, while some Commissions had been around a very long time, so it was good to look at their charge. The proposed Commission Handbook was a very necessary tool for members of Commissions.

Mayor Tran wanted to recognize MUSD Board Vice President Chris Norwood, who was recommended for appointment to Economic Development Commission from the School Board.

Vice Mayor Grilli asked for an overview of the Public Safety Commission. Councilmember Nuñez explained it would cover police, fire and Emergency Preparedness. Citizens could review items recommended for purchase, like the recent ones in Milpitas – a new armored vehicle for Police and the new ambulance for Fire.

Councilmember Phan said it would be a forum for discussion on public safety. It was not meant to serve any oversight function.

Vice Mayor Grilli asked staff about the expectation for final approval and recruitments. Mr. Nuñez said the work was done in stages, over the next 60 days or so. By-laws would come back to City Council for approval.

Mayor Tran asked for public comment.

Robert Marini, resident, felt there should be a Utility Rate Commission on a permanent basis. He spoke of past history on a ballot initiative regarding water rates. Also, term limits were good.

Voltaire Montemayor, resident, spoke of merging and phasing out of Commissions. Stay organized, he said, and it was okay to reduce number of Commissions.

Motion: to receive the oral report from staff, and:

a) to approve removal by the Mayor, of South Bay Odor Stake Holder Group Citizen Representatives Minh Le and Jim Li

b) to approve appointment by the Mayor of Milpitas Unified School District Board Member Chris Norwood to serve as the MUSD Liaison on the Economic Development Commission to a term that would expire in April of 2019.

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Barbadillo)

NEW BUSINESS

**12. Consider Water-related
Bills in State Legislature**

Director of Public Works Tony Ndah described the request for support of two bills in the state legislature related to water policy, as a follow up to the joint meeting held on March 21 with the Board of Directors of the Santa Clara Valley Water District (SCVWD).

Senate Bill 881 (Sen. Bob Wieckowski) would add the South San Francisco Bay Shoreline Project of the South Bay, including Milpitas on the map, and allowed that the SCVWD could receive \$4-7 million for flood subventions reimbursements (for flood protection). Senate Bill 1301 (Sen. Jim Beall) dealt with state Permit Processing Technology and Expedited Permitting for Human Life Safety, such as dams or other projects for human life safety and asset protection.

Mayor Tran asked if the Wieckowski sponsored bill would have any impact on those homeowners who must play flood insurance based on location of their property. Staff would need to ask the District in order to respond back to the Mayor.

Councilmember Nuñez asked what positions other cities took on this legislation. He assumed SCVWD had taken the position of support (yes) and wondered if any agency was not in support. He also wanted to know about other organizations, such as the League of California Cities. If it was not time sensitive, maybe staff could bring that back at the next meeting.

City Manager Edmonds-Mares gave her suggestion. To seek consistency, find out the positions of the LOCC and other cities. If consistency was found, then City of Milpitas could support both bills. If not, then staff would come back to the City Council with that information.

Motion: to consider support for both State Senate bills SB881 and SB130, to direct staff to gather information on nearby jurisdictions' positions on the bills, and if support was found overall, staff shall prepare and send letters of support from City of Milpitas to Sacramento

While noted in the agenda report, Council did not discuss Assembly Bill 1889 at the meeting.

Motion/Second: Councilmember Nuñez/Vice Mayor Grilli

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Barbadillo)

REPORTS

Councilmember Nuñez requested to add the language assistance information at front of the Council agenda, in order to help non-English speakers.

Mayor Tran thanked all the staff and residents in the audience for their support and participation.

ADJOURNMENT

Mayor Tran adjourned the joint Council-Public Finance Authority meeting at 9:10 PM.

The foregoing minutes were approved by Milpitas City Council on April 17, 2018.

Mary Lavelle
Milpitas City Clerk